

Judge: Christopher M. Alston
Chapter: 13
Hearing Date: September 26, 2019
Hearing Time: 9:30 a.m.
Hearing Location:
Judge Alston's Courtroom
700 Stewart St #7206
Seattle, WA 98101

Response Date: September 19, 2019

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

KLEENE MANNING,

Debtor.

IN CHAPTER 13 PROCEEDING
NO. 17-13769-CMA

TRUSTEE'S OBJECTION TO DEBTOR'S
MOTION TO MODIFY CHAPTER 13
PLAN POST-CONFIRMATION

Jason Wilson-Aguilar, Chapter 13 Trustee in these proceedings, objects to the debtor's motion to modify Chapter 13 plan post-confirmation (ECF No. 35) as follows:

(1) The debtor filed amended Schedules I and J in connection with the motion (ECF No. 37). The amended schedules reflect the change in the debtor's employer and the reduction in her EBay business income, as well as the addition of a medical insurance expense, as explained by the debtor in her declaration filed with the motion (ECF No. 36). The amended Schedule I shows a \$695.00 per month contribution from the debtor's non-filing spouse. The debtor needs to provide the Trustee with proof of all income received within the last thirty days. Local Bankr. R. 3015-1(i). The debtor has not submitted proof of the \$695.00 contribution from her non-filing spouse. The debtor must submit the required proof of income *contemporaneously* with filing the motion, amended plan and amended Schedules I and J, so that the Trustee has adequate opportunity to review the debtor's current financial situation. A post-confirmation modified plan must be proposed in good faith. 11 U.S.C. §§ 1329(b)(1); 1325(a)(3). As part of the good faith analysis, the Court may consider whether the proposed modification correlates to the debtor's change in circumstances. *Mattson v. Howe*, 468 B.R. 361, 371 (B.A.P. 9th Cir. 2012). The debtor has the burden to establish that the modified plan is proposed in good faith. *Id.* at 372. Here, the

OBJECTION - 1

Chapter 13 Trustee
600 University St. #1300
Seattle, WA 98101
(206) 624-5124 FAX 624-5282

1 debtor has not met this burden because she has not provided the Trustee with verification of her
2 spouse's contribution.

3 (2) The plan provides in Section III.A. that the reduced payment of \$480 per month
4 will commence September 2019. The debtor has been making her plan payments of \$675 per
5 month (ECF No. 2) pursuant to a wage deduction in the amount of \$311.54 bi-weekly. The
6 Trustee received and posted a payment of \$311.54 from the debtor's employer on September 11,
7 2019. Presumably an additional payment of \$311.54 will be received and posted from the
8 debtor's employer on or around September 25, 2019, prior to the hearing on the debtor's motion
9 to approve amended plan. The debtor needs to amend her plan to provide in Section III.A. that
10 the reduced payment of \$480 per month starts October 2019 rather than September 2019.

11 Based on the foregoing, the Trustee submits that the debtor's motion to confirm amended
12 plan as proposed should be denied.

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14 Dated this 19th day of September, 2019

15 /s/ Emily A. Jarvis, WSBA #41841 for

16 JASON WILSON-AGUILAR
17 Chapter 13 Trustee
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